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John F. Croix

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EXAMINER

STEVENS, THOMAS H

ART UNIT

PAPER NUMBER

2123

DATE MAILED: 03/10/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

## Office Action Summary

Application No.

09/768,037

Applicant(s)

CROIX, JOHN F.

Examiner

Thomas H. Stevens

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 5 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

### Status

- 1) ☒ Responsive to communication(s) filed on 09 November 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

### Disposition of Claims

- 4) ☒ Claim(s) 1-24, 27-37, 39-43 and 45-50 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 47 is/are allowed.
- 6) ☒ Claim(s) 1-24, 27-37, 39-43, 45, 46 and 48-50 is/are rejected.
- 7) ☒ Claim(s) 27 is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

### Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

### Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

### Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)  
Paper No(s)/Mail Date \_\_\_\_\_.
- ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date. \_\_\_\_\_.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: \_\_\_\_\_.

### **DETAILED ACTION**

1. Claims 1-50 were initially examined.
2. Claims 25,26, 38 and 44 were cancelled.
3. Claims 1-24,27-37,39-43 and 45-50 were examined.
4. Claims 1, 2, 19, 21,28, 29, 39, 42, 43 and 50 are rejected.

### ***Section I: Non-Final Action (3<sup>rd</sup> Office Action)***

#### ***Claim Objection***

5. Claim 27 is objected to since its independent claim (i.e., claim 25) is cancelled, thus was not addressed.

#### ***Claim Rejections - 35 USC § 101***

6. 35 U.S.C. 101 reads as follows:

Whoever invents or discovers any new and useful process, machine, manufacture, or composition of matter, or any new and useful improvement thereof, may obtain a patent therefor, subject to the conditions and requirements of this title.

7. Claims 1-24, 27-37,39-43 and 45, 46, 48-50 are rejected under 35 U.S.C. 101 because the claim limitations reflect computer-based software, modules and plug-ins. The interaction between these programs is nothing more than the transfer of data between computer-based platforms (i.e., claims 1, 20, 28, 39, 42,48 and 50). Claim 31 is just the code itself on a computer with transition ("the second program is responsive to the dataset from the one of the set of first programs") to which the limitations are silent to a specific application; same logic applies to claim 34.

***Claim Rejections - 35 USC § 102***

8. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in a patent granted on an application for patent by another filed in the United States before the invention thereof by the applicant for patent, or on an international application by another who has fulfilled the requirements of paragraphs (1), (2), and (4) of section 371(c) of this title before the invention thereof by the applicant for patent.

9. Claims 1, 2, 19, 21, 28, 29, 39, 42, 43 and 50 are rejected under 35 U.S.C. 102(e) as being anticipated by Aditham et al. (US Patent 5,941,945) (hereafter Aditham).  
Aditham teaches a collaboration system which allows a plurality of programs to interact (abstract).

Claim 1. A method, comprising: providing an interface for communication between (column 12, lines 62-63) a set of first programs (column 6, line 19) and a second program (column 6, line 20) during program runtime (figure 2 displays the plurality of programs; and columns 3 and 4, lines 46 and 22, respectively); and providing to the second program (column 6, line 20) at least one of a set of third programs (column 6, lines 22-23) associated with at least one of the set of first programs, in response to a dataset ("groups of data" column 3, lines 11-12) associated with said at least one of the set of first programs, (column 6, line 19) wherein the at least one of the set of third programs (column 6, lines 22-23) selectively modifies the interface during program runtime (figure 2 displays the plurality of programs; and columns 3 and 4, lines 46 and

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22, respectively) for communication between the second program and said at least one of the set of first programs (column 6, line 20).

Claim 2. The method of Claim 1, wherein providing to the second program (column 6, line 20) includes: loading in the second program by one of the set of first programs (column 6, lines 19-23); and loading in at least one of the set of third programs (column 6, lines 23-25) by the second program for tuning the response of said second program (column 6, line 20) to the at least one of the set of first programs (column 6, line 19).

Claim 19. The method of Claim 1, wherein providing includes: making a call having the dataset from the at least one of the set of first programs (column 6, line 19) to the second program (column 6, line 20); and responding to the at least one of the first programs (column 6, line 19) responsive to a second determination from the dataset ("groups of data" column 3, lines 11-12).

Claim 21. The method of Claim 20, wherein providing includes identifying said at least one of the set of first programs (column 6, line 19) to the second program (column 6, line 20) by analyzing the dataset ("groups of data" column 3, lines 11-12) with the second program (column 6, line 20).

Claim 28. An apparatus, comprising: an interface to communicate between (column 12, lines 62-63) a set of first programs and a second program (column 6, line 20) during

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program runtime; and a set of third programs, (column 6, lines 23-25) wherein one of the set of programs loads in the second program during program runtime (figure 2 displays the plurality of programs; and columns 3 and 4, lines 46 and 22, respectively), and the second program, responsive to a dataset from one of the set of first programs, (column 6, line 20) loads in at least one of the set of third programs (column 6, lines 23-25) during program runtime.

Claim 29. The apparatus of Claim 28, wherein said dataset ("groups of data" column 3, lines 11-12) is identified to be associated with said at least one of the set of first programs (column 6, lines 19-23).

Claim 39: A computer program, comprising computer or machine-readable program elements for implementing the method of: providing an interface for communication between (column 12, lines 62-63) a set of first programs (column 6, line 19) and a second program (column 6, line 20) during program runtime (figure 2 displays the plurality of programs; and columns 3 and 4, lines 46 and 22, respectively); and providing to the second program (column 6, line 20) at least one of a set of third programs associated with at least one of the set of first programs, in response to a dataset ("groups of data" column 3, lines 11-12) associated with said at least one of the set of first programs, (column 6, line 19) wherein the at least one of the set of third programs selectively modifies the interface during program runtime (figure 2 displays the plurality of programs; and columns 3 and 4, lines 46 and 22, respectively) for communication

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between the second program and said at least one of the set of first programs (column 6, line 20).

Claim 42. A computer program comprising computer program means to perform the steps of providing an interface for communication between (column 12, lines 62-63) a set of first programs and a second program; and providing to the second program (column 6, line 20) during program runtime at least one of a set of third programs (column 6, lines 23-25) associated with at least one of the set of first programs responsive to a dataset ("groups of data" column 3, lines 11-12) identified to be associated with said at least one of the set of first programs when said at least one of the set of set of first programs is run a computer during program runtime (figure 2 displays the plurality of programs; and columns 3 and 4, lines 46 and 22, respectively).

Claim 43. A computer program as claimed in Claim 42, embodied on a computer-readable medium (column 21, lines 11-13).

Claim 50. A method for using a first program with a second program, comprising: communicating an indication from the first program to the second program (column 6, line 20); analyzing the indication to determine an interaction (column 6, lines 20-25) between the first and second program; and utilizing a third program (column 6, lines 23-25) to time the interaction between the first program and the second program (column 6, line 20).

10. Claims 41 is rejected under 35 U.S.C. 102(e) as being anticipated by Yuan et al. (US Patent 6,321,196) (hereafter Yuan). Yuan teaches a method for verifying an integrated circuit design using constraint information to develop a weighted data structure (abstract).

Claim 41. An integrated circuit designed to: provide a method, comprising: providing an interface for communication (column 7, lines 65-67) between a set of first programs (column 14, line 24) and a second program (column 14, line 31) during program runtime; and provide to the second program (column 14, line 31) at least one of a set of third programs (column 14, line 34) associated with said at least one of the set of first programs, (column 14, line 24) wherein the at least one of the se of third programs (column 14, line 34) selectively modifies the interface (column 7, lines 65-67) during program runtime for communication between the second program (column 14, line 31) and said at least on of the set of first programs.

### ***Section II: Allowable Subject Matter***

11. Claim 47 is allowable.

12. The following is an examiner's statement of reasons for allowance:

While US Patent 6,321,196 teaches (claim 47) an integrated circuit designed to: provide a method, comprising: providing an interface for communication between a set of first programs and a second program during program runtime; and provide, through the use of the application procedural interface during program runtime, to the second program



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from a database responsive to a dataset identified to be associated with said at least one of the set of first programs, no part of the reference discloses:

(claim 47) "at least one of a set of plug-ins"

in combination with the remaining elements and features of the claimed invention. It is for these reasons that the applicants' invention defines over the prior art of record.

***Section III: Response to Applicant's Arguments (2<sup>nd</sup> Office Action)***

***Claim Interpretation***

13. The Office acknowledges applicant's response.

***Claim Objections/Rejections (112 2<sup>nd</sup>)***

14. Applicant is thanked for addressing this issue. Objections and the rejection based on 112 2<sup>nd</sup> are withdrawn.

15. Applicant's arguments, see pages 14-15, filed 11/09/2005, with respect to the rejection of claims 1-24 and 27-50 under 35 U.S.C. 103(a) have been fully considered and are persuasive. Therefore, the rejection has been withdrawn. However, upon further consideration, a new ground of rejection is made in view of Aditham.

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***Correspondence Information***


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mr. Tom Stevens whose telephone number is 571-272-3715, Monday-Friday (8:00 am- 4:30 pm EST).

If attempts to reach the examiner by telephone are unsuccessful, please contact examiner's supervisor Mr. Paul Rodriguez ((571) 272-3753). The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>.. Answers to questions regarding access to the Private PAIR system, contact the Electronic Business Center (EBC) (toll-free (866-217-9197)).

March 5, 2006

TS

  
Paul P. Rodriguez  
Primary Examiner  
Art Unit 2125